

PATENT  
Docket No. 20092/A00-011A

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): Jeff Nodorft

Serial No.: 09/781,038

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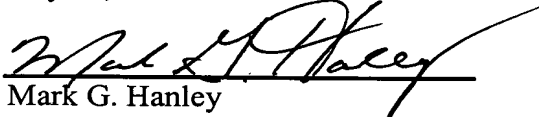
For: "Latch Assembly for a Sectional  
Door"

Group Art Unit: 3676

Examiner: Carlos Lugo

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**BRIEF ON APPEAL**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to the Notice of Appeal submitted on April 25, 2005 in connection with Patent Application Number 09/781,038, the applicant respectfully submits the following Appeal Brief in accordance with 37 C.F.R. § 1.192.

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I. REAL PARTY IN INTEREST

The real party in interest in this matter is Rite-Hite Holding Corporation by virtue of an assignment recorded with the U.S. Patent & Trademark Office at Reel 011589, Frame 0082.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, Appellant's legal representative, or Assignee which will directly affect or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 3-5, 7-13, 15, 19-38, 40-42, 46-50, 52-56, and 61-64 are currently pending, with claims 3, 8-10, 19, 20, 24, 28-33, 41, 42, 47, and 61 identified as reciting allowable subject matter but for their dependence on rejected base claims. The rejection of claims 1, 4-5, 7, 11-13, 15, 21-23, 25-27, 34-38, 40, 46, 48-50, 52-56, and 62-64 is hereby appealed, with claims 1, 23, 35, 38, and 56 being independent claims.

IV. STATUS OF AMENDMENTS

An amendment to the claims accompanies this Appeal, and the applicant respectfully requests that it be entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention generally pertains to sectional doors, such as those commonly used in residential garages, warehouses, and other industrial buildings. More specifically, the present invention relates to a latch assembly for such sectional doors. (Specification, page 1, lines 8-9).

Sectional doors are often opened and closed manually, operations that are made easier with the assistance of a torsion spring, which is used to counteract the weight of the door panels. When used in high-traffic industrial applications, overhead-storing doors are very susceptible to being struck by large trucks, trailers, forklifts and other vehicles passing through the doorway. These collisions are often caused by a door's torsion spring becoming weak with age or not being properly preloaded, which can allow a door to droop or not stay in its fully open position.

Consequently, an upper edge of a vehicle may catch the lower edge of the door and, thus, break or damage the door. (Specification, page 1, lines 19-29).

The present invention helps hold the door panels of a sectional door at their fully open position by providing a latch assembly that is mounted adjacent to the door. In response to movement of the door panels from a closed position to an open position, the latch assembly moves from a maintained release position to a door-blocking position. In the door-blocking position, the latch assembly helps hold the door open by providing an obstruction to movement of the door panels toward the closed position. In the release position, the latch assembly allows the door panels to move freely between the door panels' open and closed positions. (Specification, page 2, lines 20-26).

Turning now to the specific subject matter claimed in the independent claims, independent claim 1 recites a door-latching system (20) for a sectional door (10) having a plurality of door panels (12, 14, 16, and 18) that are moveable between an open position (Fig. 2) and a closed position (Fig. 1). The door-latching system (20) comprises a latch assembly (22) mountable adjacent to the sectional door (10) and being moveable from a maintained release position (Figs. 1, 3, 4, and 8) to a door-blocking position (Figs. 2, 5, 6, and 7) in response to movement of the sectional door (10) from a closed position to an open position, wherein the latch assembly (22) is able to remain in the release position (Figs. 1, 3, 4, and 8) to allow at least some of the plurality of door panels (12, 14, 16, and 18) to travel past the latch assembly (22). In response to further movement of the plurality of door panels (12, 14, 16, and 18), the latch assembly subsequently moves to the door-blocking position (Figs. 2, 5, 6, and 7) to obstruct closing movement of the plurality of door panels (12, 14, 16, and 18). Specifically, this movement of the door-latching assembly is caused by a traveling member (26) that is mounted to the plurality of door panels, so that the traveling member (26) is able to engage the latch assembly (22) as the plurality of door panels moves from the closed position to the open position. It is the traveling member (26) engaging the latch assembly (22) that mechanically moves the latch assembly from the maintained release position to the door-blocking position, an interaction that can be seen best in Figure 5.

Independent claim 23 recites a similar door-latching system (20) comprising a latch assembly (22) mountable adjacent to the sectional door (10) and having a maintained release position (Figs. 1, 3, 4, and 8) and a door-blocking position (Figs. 2, 5, 6, and 7), wherein the

door-blocking position allows less downward movement of the plurality of door panels (12, 14, 16, and 18) than does the maintained release position. The door-latching system also includes a traveling member (26) mountable to the plurality of door panels such that the traveling member (26) is able to engage the latch assembly (22) as the plurality of door panels moves from the closed position (Fig. 1) to the open position (Fig. 2), wherein the traveling member (26) engaging the latch assembly (22) moves the latch assembly from the maintained release position (Figs. 1, 3, 4, and 8) to the door-blocking position (Figs. 2, 5, 6, and 7). This interaction between the traveling member and the latch assembly is shown clearly in Figure 5 and is what causes the latch assembly to move from its rest, release position to its door-blocking position.

Independent claim 35 is generally directed to a method of using the door-latching system described above. Specifically, claim 35 recites a method of operating a sectional door (10) that includes a plurality of door panels (12, 14, 16, and 18) moveable between an open position (Fig. 2) and a closed position (Fig. 1), and a latch assembly (22) moveable between a release position (Figs. 1, 3, 4, and 8) and a door-blocking position (Figs. 2, 5, 6, and 7). The method comprises maintaining the latch assembly (22) at its release position while the plurality of door panels moves from their closed position toward the open position and subsequently mechanically moving the latch assembly to its door-blocking position in response to a traveling member (26) engaging the latch assembly as the plurality of door panels moves from the closed position to the open position.

Independent claim 38 recites a door-latching system (20) comprising a sensing member (30) adapted to sense that a plurality of door panels (12, 14, 16, and 18) have reached an open position (shown in Fig. 2) and a latch member (24) moveable between a release position (Figs. 1, 3, 4, and 8) and a door-blocking position (Figs. 2, 5, 6, and 7). When the latch member (24) is in the release position, it allows at least some of the plurality of door panels to travel past the latch member (24), while when it is in the door-blocking position, the latch member inhibits the plurality of door panels from moving from the open position (shown in Fig. 2) to the closed position (shown in Fig. 1). Claim 38 also recites an actuating member (34) that moves the latch member (24) between the release position and the door-blocking position in response to the sensing member (30) having sensed that the plurality of door panels have reached the open position. The final element recited in claim 38 is a traveling member (26) mountable to the plurality of door panels, such that the traveling member is able to engage the sensing member

(30) as the plurality of door panels moves from the closed position to the open position, wherein the traveling member (26) engaging the sensing member (30) mechanically moves the latch member from the release position to the door blocking position, an interaction shown clearly in Figure 5.

Finally, independent claim 56 is generally directed to a method of using the door-latching assembly recited in claimed 38. In particular, claim 56 recites a method of operating a sectional door (10) that includes a plurality of door panels (12, 14, 16, and 18) moveable between an open position (shown best in Fig. 2) and a closed position (shown best in Fig. 1), and a latch assembly (22) moveable between a release position (shown in Figs. 1, 3, 4, and 8) and a door-blocking position (shown in Figs. 2, 5, 6, and 7). The method comprises sensing that the plurality of door panels has reached the open position in response to a traveling member (26) engaging the latch assembly (22) as the plurality of door panels moves from the closed position to the open position and mechanically actuating the latch assembly such that the latch assembly mechanically moves from the release position to the door-blocking position upon sensing that the plurality of door panels have reached the open position. Finally, the method includes latching the sectional door upon actuating the latch assembly (22), whereby the latch assembly inhibits the plurality of door panels from moving from the open position to the closed position.

#### VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 4, 5, 7, 11-13, 15, 22, 23, 25-27, 35-38, 40, 46, 48-50, 52, 54, and 55 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 2,703,247, issued to Wolf et al. (hereinafter “Wolf”).

Claims 21, 34, 53, 56, and 62-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolf in view of U.S. Patent Number 1,908,165, issued to Moler (hereinafter “Moler”).

#### VII. ARGUMENT

(a) *Claims 1, 4, 5, 7, 11-13, 15, 22, 23, 25-27, 35-38, 40, 46, 48-50, 52, 54, and 55 are not anticipated by Wolf under 35 U.S.C. § 102(b).*

Of the claims rejected under § 102(b), claims 1, 23, 35, and 38 are independent claims. Each of these independent claims will be discussed below, with the most detailed discussion

provided in conjunction with claim 1 because the arguments in support of the remaining independent claims are very similar to those for claim 1.

As detailed above, independent claim 1 recites a door-latching system having a latch assembly “movable from a maintained release position to a door-blocking position.” The latch assembly is able to “remain in the maintained release position to allow at least some of the plurality of door panels to travel past the latch assembly,” but in response to further movement of the door panels, “the latch assembly subsequently moves to the door-blocking position” to hold the door open. Finally, claim 1 recites a traveling member mountable to the plurality of door panels, “wherein the traveling member engaging the latch assembly mechanically moves the latch assembly from the maintained release position to the door-blocking position.”

Wolf fails to disclose the elements recited in claim 1 and therefore, cannot anticipate it.<sup>1</sup> Wolf describes an older door system that is plagued by the clacking and snapping-movement effects described in the “Description of Related Art” section of the current application. Specifically, Wolf discloses a strike pin (126) carried on the door and positioned such that, as the door is raised, the pin (126) ratchets up one or more teeth (96) of a latch bar (88) (col. 3, line 38 *et seq.*). The pin strikes the bar, causing the bar to move upward briefly by a camming action of the pin moving along an angled surface of the bar. After the pin passes a first tooth, the bar returns to its rest, or maintained, position (only briefly) until it is cammed back up by the continued movement of the pin (126). This action occurs each time a tooth is passed by the pin (126) and generates the “clacking effect” referred to in the “Description of Related Art” section. Finally, when the pin passes the last tooth that its momentum will carry it past, the latch bar is returned to its rest, or maintained, position, behind the furthestmost of the shoulders (98) reached (col. 3, line 45 *et seq.*). Each time a tooth is passed, the latch bar is returned to this rest (door-blocking) position by a spring (120) stretched between the latch release member (102) and the latch release lever bracket (106), the spring urging the release lever in a counterclockwise direction and causing the latch bar to return to its rest position to engage/block the pin and prevent downward movement of the door (col. 3, lines 27-31). Thus, under constant impetus from the spring (120), the latch bar of Wolf returns to a rest, or maintained, position that is the same as its blocking position, and the latch bar must be in this position in order for proper

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<sup>1</sup>“Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every element of a claimed invention.” *Rockwell International Corp. v. United States* (Fed. Cir. 1998).

interaction with the strike pin (so the pin is captured behind a shoulder (98) of the latch bar to hold the door against downward movement). Wolf's latch bar (88) only takes a different position, a momentary release position, for the brief moment during which contact with the strike pin (126) causes it to raise or, alternatively, when raised manually by a "release pull strap" (124). Given the two scenarios under which Wolf's latch bar is in a release position, the only one that could realistically be described as resulting in a maintained release position occurs when an operator is pulling on the aptly-named "release pull strap," (col. 3, line 31). However, the latch bar only remains in this release position for as long as the operator applies downward force to the release pull strap. Upon release of the release pull strap, the spring causes the latch bar to return to its only true maintained position - the door-blocking position. A system of this type will produce undesirable noise ("clacking") as the strike pin (126) hits the nose (92) of the latch bar (88) and ratchets up the teeth. This type of rough interaction between the strike pin and the latch bar will cause undue wear on these parts, likely resulting in their premature failure.

The door latching system of claim 1, on the other hand, has a rest or release position that allows the door panels to travel past the latch assembly as they move from the closed to the open position without contacting or interacting with the latching system. The latch assembly remains in this release position (the maintained release position) until the traveling member (mounted to the door panels) engages the latch assembly and mechanically moves the latch assembly from the maintained release position to the door-blocking position. Because the traveling member causes the latch assembly to take its door-blocking position, the latching assembly only takes this blocking position when it is needed to block the door. At all other times, the latch assembly is maintained in the release position; it is kept out of the way.

The structural (and functional) elements recited in independent claim 1 cooperate to eliminate the snapping and clacking effects (including the long-term increase in wear on parts) that plagued earlier systems, such as that taught by Wolf. Wolf, as detailed above, does not disclose a latch bar that moves from a maintained release position to a blocking position because of an engagement/interaction with the traveling member (which, according to the Office action corresponds to Wolf's strike pin 126). Instead, Wolf discloses a latch bar that is maintained in a door-blocking position (it is maintained in the strike pin's path of travel) and that is momentarily cammed up by the traveling member (strike pin) to a release position where it cannot prevent downward door movement. Subsequently, as the pin continues traveling and no longer cams the

latch bar upward, the latch bar returns to the blocking position under the force of the spring (120). Thus, Wolf does not disclose each and every element claimed in 1, specifically a traveling member that engages the latching assembly to mechanically move it from a maintained release position to the door-blocking position, and therefore does not anticipate claim 1, nor claims 4, 5, 7, 11-13, 15, 22, which depend therefrom,

The specific errors in the Office action that have resulted in the improper final rejection here come in the inaccurate characterization of the relationship between Wolf's latch bar and traveling member (strike pin) and the assertion that Wolf's latch bar has a maintained release position. The final rejection states that "Wolf, in Col. 3, Lines 38-58, describes how the traveling member moves the latch assembly from the maintained release position to the maintained door-blocking position" (Office action of 01/25/2005, page 7, last paragraph). This characterization echoes that of a previous Office action in which it is suggested that, "[t]he traveling member engages the latch assembly and mechanically moves the latch assembly from the maintained release position to the door blocking position" (Office action of 06/29/2004, page 2, last paragraph). A closer examination of Column 3 of Wolf's specification though shows that its latch bar is actually moved from a momentary release position to a door blocking position by a spring (120) that "urges the release lever in a counterclockwise direction" (Col. 3, lines 27-28). As seen best in Figure 4, the release lever (102) is coupled to the latch bar (88) such that when the release lever is urged in a counterclockwise direction, the latch bar is pulled downward, into its door blocking position. Thus it is not Wolf's traveling member that moves the latch assembly from the release position to its blocking position, but rather it is the spring (120). In fact, Wolf's traveling member (strike pin) has the opposite effect, actually striking the latch bar and causing it to momentarily raise to a released position (until the pin moves past the teeth and the spring brings it back to the maintained blocking position). This momentary release position cannot realistically be described as a maintained release position.

These points of distinction, and the general weakness of the rejection based on Wolf as an anticipatory reference, are further evidenced by the inconsistent nature of such rejection during the prosecution of this application. Claim 1 was rejected by the original examiner in this case, Examiner Melwani, as anticipated by Wolf in an Office action mailed on January 13, 2003. In a July 14, 2003 response to this Office action, Appellants amended claim 1 and most of the other independent claims to recite the traveling member discussed above and asserted an argument



similar to that asserted above (independent claim 23 already recited a traveling member and was not amended). In a subsequent Office action mailed on October 14, 2003, Examiner Melwani stated that, “Applicant’s arguments, see page 12-13, filed 7/18/2003, with respect to Wolf et al. . . . have been fully considered and are persuasive. The rejections have been withdrawn.” (Office action of October 14, 2003, page 7, paragraph 11). The only amendment made since that July 18, 2003 Office action was to add that the traveling member engages the latch assembly to “mechanically” move it from the release position to the door-blocking position, which clarifies the manner in which the traveling member causes the latch assembly to change positions. As stated in Section 706.04 of the MPEP, “[f]ull faith and credit should be given to the search and action of a previous examiner unless there is clear error in the previous action or knowledge of other prior art.” MPEP § 706.04. Here, there is no evidence that Examiner Melwani’s withdrawal of the rejections based on Wolf was in clear error, nor has such error been articulated. In fact, as outlined above, Examiner Melwani’s course of action was appropriate because the claims are indeed patentable over Wolf.

Independent claim 23 also recites a latch assembly mountable adjacent to a sectional door, wherein the latch assembly has a maintained release position and a door-blocking position, and wherein the door-blocking position allows less downward movement of the plurality of door panels than does the maintained release position. Additionally, claim 23 recites a traveling member mountable to the plurality of door panels such that it can engage and mechanically move the latch assembly from the maintained release position to the door-blocking position. The recited traveling member that engages and mechanically moves the latch assembly from a maintained release position to a door-blocking position is the same as that of claim 1, and the arguments asserted above in connection with claim 1 apply with equal weight to independent claim 23. It is not Wolf’s traveling member that moves the latch assembly from the release position to its blocking position, but rather it is the spring (120). Wolf’s traveling member (strike pin) actually has the opposite effect, striking the latch bar and causing it to momentarily raise to a released position, only until the pin moves past the teeth and the spring brings the latch bar back to the maintained blocking position. Thus, Wolf does not disclose each and every element of claim 23 and does not anticipate it, nor claims 25-27, which depend therefrom.

As detailed above, independent claim 35 generally recites a method of operating the sectional door latching system claimed in claims 1 and 23. As such, the method includes

maintaining the latch assembly at its release position while the plurality of door panels moved from their closed position toward their open position. Of course, the method also includes subsequently mechanically moving the latch assembly to its door-blocking position in response to a traveling member engaging the latch assembly. Once again, Wolf does not disclose a method of maintaining the latch assembly at its release position nor a method of moving the latch assembly to its door-blocking position in response to a traveling member engaging the latch assembly. On the contrary, Wolf teaches the opposite - a method of momentarily moving a latch assembly to a release position in response to engagement by a traveling member and subsequently returning the latch assembly to a maintained door-blocking position in response to a spring. Therefore, Wolf does not disclose each and every element of claim 35 and does not anticipate it, nor claims 36-37, which depend therefrom.

Finally, independent claim 38 is not anticipated by Wolf either. During their thorough review of the substance of all of the pending claims in view of the prior art, Applicants discovered that there was a lack of antecedent basis for the term “the maintained release position” as set forth in the last element of claim 38. In the previous elements of this claim, this position was set forth only as a “release position,” not as a “maintained release position.” Even though the claim was not rejected for this lack of antecedent basis, Applicants have addressed this error in an Amendment filed herewith by adding “maintained” before each recitation of “release position.” Thus, independent claim 38 now recites, *inter alia*, a door-latching system comprising a sensing member adapted to sense that the plurality of door panels have reached the open position, a latch member moveable between a maintained release position and a door-blocking position, and an actuating member that moves the latch member between the maintained release position and the door-blocking position in response to the sensing member having sensed that the door has reached the open position. The final element recited in claim 38 is a traveling member mountable to the door, such that the traveling member is able to engage the sensing member as the door moves from the closed position to the open position, wherein the traveling member engaging the sensing member mechanically moves the latch member from the maintained release position to the door-blocking position.

Amended claim 38, recites the same maintained release position and traveling member that moves the latch member from the maintained release position to the door-blocking position as the door moves from the closed position to the open position as recited in claim 1. In

addition, claim 38 includes more structural elements that are involved in this chain of events (i.e., a sensing member and an actuating member), so it is the traveling member engaging the sensing member as the door moves from the closed position to the open position that mechanically moves the latch member from the maintained release position to the door-blocking position. Examination of Wolf shows that it is not Wolf's traveling member engaging the sensing member (alleged to be the tip (92) of the latch bar (88)) that mechanically moves the latch assembly from the release position to its blocking position but, rather, it is the spring (120). The interaction between Wolf's traveling member (strike pin) and alleged sensing member (92, the tip of the latch bar) actually has the opposite effect, wherein the traveling member striking the alleged sensing member causes the latch bar to momentarily be raised to a released position, until the pin moves past the teeth on the latch bar and the spring brings it back down to the maintained blocking position. Clearly, Wolf cannot anticipate independent claim 38, nor claims 40, 46, 54, and 55, which depend therefrom, because it does not disclose each and every element of those claims.

If these arguments seem redundant, it is only because they highlight critical points of distinction between the invention claimed in all of the independent claims of the current application and Wolf. The latch assembly of the current application remains in a release position until the traveling member (mounted to the door panels) engages the latch assembly and mechanically moves it from this maintained release position to a door-blocking position. Because the traveling member causes the latching assembly to take its door-blocking position, the latching assembly only takes this blocking position when it is needed to block the door, as indicated by engagement with the traveling member. At all other times, the latching assembly is in the release position. Wolf, on the other hand, discloses a latch bar that has a rest position that is its door-blocking position. The latch bar has to maintain this position so that it will properly interact with (get cammed up by) the traveling member (strike pin) as this traveling member moves with the opening door panel that it is attached to. It is this ratcheting action, the latch bar's teeth camming up in response to the traveling member, that causes the latch bar to momentarily take a release position; momentarily because it is returned to its blocking position under the force of the spring. A system of this type will produce undesirable noise as the strike pin ratchets up the teeth of the latch bar, and the rough interaction between the strike pin and these teeth will cause undue wear on the parts, likely resulting in premature failure of the parts.

The sectional door latching system claimed here overcomes these weaknesses by providing a novel structure in which the traveling member moves the latch assembly to the blocking position only when it is needed to block the door.

For the foregoing reasons, Appellants respectfully request that the § 102(b) rejections based on Wolf be overturned and the claims allowed.

b) *Claims 21, 34, 53, 56, and 62-64 are not unpatentable over Wolf in view of U.S. Patent Number 1,908,165, issued to Moler (hereinafter “Moler”) under 35 U.S.C. § 103(a).*

Claims 21, 34, and 53 depend from claims 1, 23, and 38, respectively, and each of these dependent claims add a second latching member to the recitations of the independent claims, which have been detailed above.

The shortcomings of Wolf as it relates to independent claims 1, 23, and 38 have been discussed extensively in the preceding section, a discussion that need not be repeated here. Moler does nothing to cure these deficiencies, and the Office action does not suggest that it does, stating only that “Moler teaches that [it] is well known in the art to have a door latching system with two latch assemblies (14 and 16), wherein one of them (16) inhibits the door from moving to the open position,” and that it would have been obvious to incorporate “a second latching assembly, as taught by Moler, into a device as described by Wolf, in order to inhibit the door from moving to the open position.” (01/25/2005 Office action, pages 4-5, section 5). Although the Office action states that both latch assemblies prevent the door from moving to the open position, Applicants assume this is an oversight and that the Office action was meant to suggest that one latch assembly prevents the door from opening and the other latch assembly prevents the door from closing.

Turning now to the specific teachings of Moler, the Office action inaccurately suggests that Moler teaches “a door latching system with two latch assemblies (14 and 16), wherein one of them (16) inhibits the door from moving to the open position,” (01/25/2005 Office action, page 4, section 5). In general, Moler teaches a garage door system that will allow users to remove the door guide posts (when the door is open) and take full advantage the floor space normally taken up by these guide posts. (See generally, col. 1, lines 1-6). Specifically, Moler’s dual latching system is designed to lock garage door posts in a working position (when latched) or to allow the door posts to be removed (when unlatched). As described in Moler’s

Specification, feature 14 is a stop plate adapted to help “secure the alignment of the door post in [a] working position” (col. 3, lines 23-24). Feature 14 is not a latching assembly adapted to hold the door in an open or closed position. Nor is feature 16 a latch assembly adapted to hold the door in an open or closed position. Instead, feature 16 is a “vertically operating lock bolt” that is affixed on its bottom side to a floor plate and has an “eye” (151) near its upper side to receive “links” (152 and 162), an assembly that forms a pulley-type of system to operate more bolts (15) and allow “the post [to] be moved freely along the track (11)” (col. 3, lines 27 *et seq.*). Thus, features 14 and 16 are intended to allow the door guide posts to be unlatched from their normal, operating positions, and moved along a track to some location away from the doorway, allowing the user to take full advantage of the door space around the doorway. The posts can then be moved (and latched) back into their normal operational position when desired. There is no suggestion in Moler that one latch assembly be used to hold a door in an open position and a second latch assembly be used to hold a door in a closed position, as claimed in 21, 34, and 53.

There is no suggestion in Wolf or Moler, alone or combined, that would lead one of ordinary skill in the art to the subject matter of claims 21, 34, and 53. Therefore, claims 21, 34, and 53 are in a condition for immediate allowance.

Claims 56 and 62-64 also stand rejected under 103(a) as unpatentable over Wolf in view of Moler. Independent claim 56 recites a method of operating the door system claimed in many of the preceding independent claims, a method that includes (1) sensing that the door panels have reached the open position in response to the traveling member engaging the latch assembly, (2) mechanically actuating the latch assembly to move it from the release position to the door-blocking position, and (3) latching the sectional door upon actuating the latch assembly to prevent the door from closing.

The differences between the method claimed here and the subject matter of Wolf have been discussed in detail above in connection with other claims, and apply with equal weight to the independent claim 56. Further, the reliance on Moler here is misplaced, as the Office action suggests that Moler teaches a second latching assembly to inhibit the door from moving to the open position. Because method claim 56 does not recite a method of using a second latching assembly, nor do dependent claims 62-64, Moler has no relevance to these claims. This error was noted in the response to the previous Office action, submitted on November 29, 2004, but was not addressed in the final Office action appealed from herein. Clearly, the obviousness

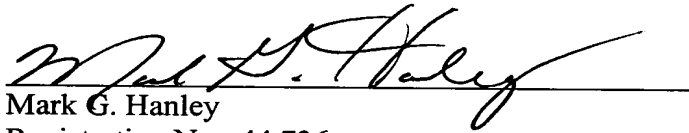
rejections of claims 56 and 62-64 based on the combination of Wolf and Moler should be reversed and the claims allowed.

For the foregoing reasons, Appellants respectfully request that the § 103(a) rejections based on the combination of Wolf and Moler be overturned and the claims allowed.

Respectfully submitted,

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**July 25, 2005**

VIII. CLAIMS APPENDIX

An Appendix containing a current list of claims is attached hereto.

IX. EVIDENCE APPENDIX

There has been no extrinsic evidence submitted or entered during the prosecution of this application.



X. RELATED PROCEEDINGS APPENDIX

There are no proceedings related to this one.

## **CLAIMS APPENDIX**

1. A door-latching system for a sectional door having a plurality of door panels that are moveable between an open position and a closed position, comprising:

a latch assembly mountable adjacent to the sectional door and being moveable from a maintained release position to a door-blocking position in response to movement of the sectional door, wherein the latch assembly is able to remain in the maintained release position to allow at least some of the plurality of door panels to travel past the latch assembly, and in response to further movement of the plurality of door panels, the latch assembly subsequently moves to the door-blocking position to obstruct closing movement of the plurality of door panels; and

a traveling member mountable to the plurality of door panels, such that the traveling member is able to engage the latch assembly as the plurality of door panels move from the closed position to the open position, wherein the traveling member engaging the latch assembly mechanically moves the latch assembly from the maintained release position to the door-blocking position.

2. Canceled.

3. The door-latching system of claim 1, wherein the latch assembly in the door-blocking position obstructs downward movement of the plurality of door panels by engaging a guide roller associated with the sectional door.

4. The door-latching system of claim 1, further comprising a releasing member coupled to the latch assembly, such that the releasing member moves the latch assembly from the door-blocking position to the maintained release position upon manual manipulation of the releasing member.

5. The door-latching system of claim 4, further comprising a pliable elongated member coupled to the latch assembly, wherein manual manipulation of the releasing member includes manually pulling the pliable elongated member.

6. Canceled.
7. The door-latching system of claim 1, wherein the latch assembly includes a latch member that moves substantially linearly between the maintained release position and the door-blocking position.
8. The door-latching system of claim 7, wherein the latch assembly includes a sensing member is pivotally mounted within the latch assembly.
9. The door-latching system of claim 8, wherein the traveling member includes a pivotal arm that engages the sensing member as the plurality of door panels move from the closed position to the open position.
10. The door latching system of claim 9, wherein pivotal movement of the sensing member provides the motive force for actuating the latch member to the door-blocking position.
11. The door-latching system of claim 1, wherein the latch assembly includes an actuating member that moves the latch assembly between its maintained release position and its door-blocking position.
12. The door-latching system of claim 11, wherein the actuating member is pivotally mounted within the latching assembly.
13. The door-latching system of claim 12, wherein the traveling member is able to engage the actuating member as the plurality of door panels move from the closed position to the open position, wherein the traveling member engaging the actuating member moves the latch assembly from the maintained release position to the door-blocking position.
14. Withdrawn.
15. The door-latching system of claim 1, wherein the latch assembly includes a sensing member that senses the open position of the plurality of door panels, wherein the latch assembly moves between the maintained release position and the door-blocking position in response to the sensing member sensing that the plurality of door panels has reached the open position.
16. The door-latching system of claim 15, wherein the sensing member is an electric switch.
17. The door-latching system of claim 15, wherein the sensing member is a photoelectric eye.
18. The door-latching system of claim 15, wherein the sensing member is a proximity switch.

19. The door-latching system of claim 15, wherein the sensing member is pivotally mounted within the latch assembly.

20. The door-latching system of claim 19, wherein the traveling member is able to engage the sensing member as the plurality of door panels move from the closed position to the open position, whereby the sensing member sense that the plurality of door panels has reached the open position.

21. The door-latching system of claim 1, further comprising a second latch assembly mountable adjacent to the sectional door, wherein the second latch assembly engages the traveling member in response to the plurality of door panels moving to the closed position, thereby inhibiting the door panels from moving to the open position.

22. The door-latching system of claim 1, wherein the plurality of the door panels upon moving from the closed position to the open position exerts a motive force that moves the latch assembly from the maintained release position to the door-blocking position.

23. A door-latching system for a sectional door having a plurality of door panels that are moveable between an open position and a closed position, comprising:

a latch assembly mountable adjacent to the sectional door and having a maintained release position and a door-blocking position, wherein the door-blocking position allows less downward movement of the plurality of door panels than does the maintained release position; and

a traveling member mountable to the plurality of door panels such that the traveling member is able to engage the latch assembly as the plurality of door panels move from the closed position to the open position, wherein the traveling member engaging the latch assembly mechanically moves the latch assembly from the maintained release position to the door-blocking position.

24. The door-latching system of claim 23, wherein the latch assembly in the door-blocking position obstructs downward movement of the plurality of door panels by engaging a guide roller associated with the sectional door.

25. The door-latching system of claim 23, further comprising a releasing member coupled to the latch assembly, such that the releasing member moves the latch assembly from the door-

blocking position to the maintained release position upon manual manipulation of the releasing member.

26. The door-latching system of claim 25, further comprising a pliable elongated member coupled to the latch assembly, wherein manual manipulation of the manual actuator includes manually pulling the pliable elongated member.

27. The door-latching system of claim 23, wherein the latch assembly includes a latch member that moves substantially linearly between the maintained release position to the door-blocking position.

28. The door-latching system of claim 23, wherein the latch assembly includes a sensing member pivotally mounted within the latch assembly, wherein the latch assembly moves from the maintained release position to the door-blocking position in response to the traveling member engaging the sensing member.

29. The door-latching system of claim 28, wherein the latch assembly includes an actuating member pivotally mounted within the latch assembly and a latch member that moves between the maintained release position and the door-blocking position.

30. The door-latching system of claim 29, wherein the sensing member is coupled to the actuating member such that engagement between the traveling member and the sensing member as the plurality of door panels move from the closed position to the open position causes the actuating member to move the latch member to the door-blocking position.

31. The door-latching system of claim 30, wherein the actuating member is the sensing member.

32. The door-latching system of claim 28, wherein the sensing member is an actuating member for moving the latch assembly to the door-blocking position.

33. The door-latching system of claim 23, wherein the traveling member is pivotally mountable to the plurality of door panels.

34. The door-latching system of claim 23, further comprising a second latch assembly mountable adjacent to the sectional door, wherein the second latch assembly engages the traveling member in response to the plurality of door panels moving to the closed position, thereby inhibiting the door panels from moving to the open position.

35. A method of operating a sectional door that includes a plurality of door panels moveable between an open position and a closed position, and a latch assembly moveable between a release position and a door-blocking position, comprising:

maintaining the latch assembly at its release position while the plurality of door panels move from their closed position toward their open position; and

subsequently mechanically moving the latch assembly to its door-blocking position in response to a traveling member engaging the latch assembly as the plurality of door panels move from the closed position to the open position.

36. The method of claim 35, further comprising moving the latch assembly substantially linearly between the release position and the door-block position.

37. The method of claim 35, including the steps of sensing that the door is in the open position, and responsively moving the latch assembly to the door-blocking position.

38. A door-latching system for a sectional door having a plurality of door panels that are moveable between an open position and a closed position, comprising:

a sensing member adapted to sense that the plurality of door panels have reached the open position;

a latch member moveable between a maintained release position and a door-blocking position, wherein the latch member in the maintained release position allows at least some of the plurality of door panels to travel past the latch member, and in the door-blocking position the latch member inhibits the plurality of door panels from moving from the open position to the closed position;

an actuating member that moves the latch member between the maintained release position and the door-blocking position in response to the sensing member having sensed that the plurality of door panels have reached the open position; and

a traveling member mountable to the plurality of door panels, such that the traveling member is able to engage the sensing member as the plurality of door panels move from the closed position to the open position, wherein the traveling member engaging the sensing member mechanically moves the latch member from the maintained release position to the door-blocking position.

39. The door-latching system of claim 38, wherein the actuating member includes a solenoid.
40. The door-latching system of claim 38, wherein the actuating member is adapted to be pivotally mounted adjacent the sectional door.
41. The door latch system of claim 38, wherein the actuating member and the sensing member are adapted to be pivotally mounted adjacent the sectional door at a common pivot point.
42. The door latch system of claim 38, wherein the latch member moves linearly between the maintained release position and the door-blocking position.
43. The door latch system of claim 38, wherein the sensing member is an electric switch.
44. The door latch system of claim 38, wherein the sensing member is a photoelectric eye.
45. The door latch system of claim 38, wherein the sensing member is a proximity switch.
46. The door-latching system of claim 38, wherein the traveling member is able to engage the sensing member as the plurality of door panels move from the closed position to the open position, wherein the traveling member engaging the sensing member triggers movement of the latch member from the maintained release position to the door-blocking position.
47. The door-latching system of claim 38, wherein the latch member in the door-blocking position obstructs downward movement of the plurality of door panels by engaging a guide roller associated with the section door.
48. The door-latching system of claim 38, further comprising a releasing member coupled to the latch member, such that the releasing members moves the latch member from the door-blocking position to the maintained release position upon manual manipulation of the releasing member.
49. The door-latching system of claim 48, further comprising a pliable elongated member coupled to the latch member, wherein manual manipulation of the releasing member includes manually pulling the pliable elongated member.
50. The door-latching system of claim 38, wherein the latch member moves from the maintained release position to the door-blocking position in response to movement of the sensing member.

51. Canceled.

52. The door-latching system of claim 50, wherein the sensing member is the actuating member.

53. The door-latching system of claim 38, further comprising a second latch assembly mountable adjacent to the sectional door, wherein the second latch assembly engages the traveling member in response to the plurality of door panels moving to the closed position, thereby inhibiting the door panels from moving to the open position.

54. The door-latching system of claim 38, wherein the plurality of the door panels upon moving from the closed position to the open position exerts a motive force that moves the latch member from the maintained release position to the door-blocking position.

55. The door-latching system of claim 54, wherein the actuating member transmits the motive force from the door panels to the latch member.

56. A method of operating a sectional door that includes a plurality of door panels moveable between an open position and a closed position, and a latch assembly moveable between a maintained release position and a door-blocking position, comprising:

sensing that the plurality of door panels have reached the open position in response to a traveling member engaging the latch assembly as the plurality of door panels move from the closed position to the open position;

mechanically actuating the latch assembly such that the latch assembly mechanically moves from the maintained release position to the door-blocking position upon sensing that the plurality of door panels have reached the open position; and

latching the sectional door upon actuating the latch assembly, whereby the latch assembly inhibits the plurality of door panels from moving from the open position to the closed position.

57. Withdrawn.

58. Withdrawn.

59. Withdrawn.

60. Withdrawn.



61. The method of claim 56, wherein the step of latching, the latch assembly engages a guide roller associated with the sectional door.
62. The method of claim 56, further comprising releasing the sectional door after the step of latching the sectional door, whereby the plurality of door panels are subsequently allowed to move from the open position to the closed position.
63. The method of claim 56, wherein movement of the plurality of door panels from the closed position to the open position provides a motive force for actuating the latch assembly.
64. The method of claim 56, including the step of maintaining the latch assembly in the release position until the sensing step.